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## A CRITICAL ANALYSIS OF GLOBAL EDUCATIONAL RIGHTS AND BANGLADESH'S PATH FORWARD THROUGH PAULO FREIRE'S PEDAGOGICAL LENS

Dr. Muhammad Ruhul Amin<sup>1</sup>

### ABSTRACT

The right to education is universally affirmed as a fundamental human right under international instruments such as the *Universal Declaration of Human Rights* (1948), the *International Covenant on Economic, Social and Cultural Rights* (1966), and the *Convention on the Rights of the Child* (1989). While Bangladesh has taken steps to align its educational commitments with these global frameworks, critical gaps remain between legal obligations and actual practices. This study critically investigates those discrepancies by analyzing national education policies and conducting semi-structured interviews with education experts and policymakers.

Using Paulo Freire's critical pedagogy as a guiding theoretical framework, the research explores how education in Bangladesh can shift from a static, exam-centered model to a participatory and transformative process. Freire's emphasis on dialogue, critical consciousness (*conscientização*), and the rejection of rote memorization offers a compelling lens through which to analyze the country's systemic barriers—including legal voids, curriculum rigidity, inequity across education streams, and exclusion of marginalized groups.

Findings from the interviews reveal several recurring concerns: the absence of a legally enforceable Right to Education Act, disparities in access and quality between urban and rural areas, limited recognition of vocational and non-formal education, and pedagogical practices that fail to empower learners. Respondents unanimously advocated for structural reforms that make education inclusive, liberating, and contextually grounded.

To address these challenges, the study recommends enacting a comprehensive Right to Education Act, extending compulsory education to Grade 8, recognizing and integrating non-formal and vocational streams, reforming teacher training, and embedding Freirean pedagogy across all education levels. These reforms are essential not only for meeting Bangladesh's constitutional and international obligations but also for transforming education into a tool for justice, equity, and social empowerment.

### KEYWORDS

Global Educational Rights, Paulo Freire's Philosophy, Education Policy, Curriculum Reform, Education in Bangladesh, Pedagogy

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<sup>1</sup> Assistant Professor, Department of Islamic Studies, Asian University of Bangladesh, Email: [dr.ruhulamin2002@gmail.com](mailto:dr.ruhulamin2002@gmail.com)

## INTRODUCTION

Education is universally recognized as a fundamental human right, enshrined in key international legal instruments such as the *Universal Declaration of Human Rights* (1948), the *International Covenant on Economic, Social and Cultural Rights* (1966), and the *Convention on the Rights of the Child* (1989). These frameworks collectively affirm that access to quality education is essential for individual development, social mobility, and the realization of other human rights (United Nations, 1948; United Nations, 1966; United Nations, 1989). Bangladesh, through its Constitution (Article 17) and the National Education Policy (2010), has formally committed to ensuring education for all. However, the country continues to struggle with persistent disparities in access, quality, and inclusivity across different educational levels and regions (Government of Bangladesh, 2010).

Despite notable gains in primary education enrollment, Bangladesh's education system remains constrained by under-resourced public institutions, high dropout rates, gender disparities, and a parallel education structure comprising general, vocational, and madrasah systems that lack cohesion and equity (UNESCO, 2015). These structural and policy shortcomings underscore the gap between the country's international legal obligations and the actual educational experiences of many children and youth, particularly those from marginalized communities (UNICEF, 2021).

This research seeks to critically examine these discrepancies by analyzing how Bangladesh's education system aligns—or fails to align—with international human rights standards related to education. The study also explores how Paulo Freire's theory of critical pedagogy can provide a transformative framework for addressing these challenges. Freire (1970) emphasizes the development of critical consciousness (*conscientização*), dialogic education, and the rejection of the “banking model” of teaching, wherein students are treated as passive recipients rather than active co-creators of knowledge. His approach promotes education as a practice of freedom and a means for social transformation—particularly relevant in contexts marked by inequality and exclusion.

Through a mixed-methods approach that includes analysis of legal documents and interviews with education experts in Bangladesh, this study investigates the legal, structural, and pedagogical barriers to realizing the right to education. It further explores how Freirean principles can inform a more inclusive, participatory, and justice-oriented educational model in Bangladesh. The findings aim to contribute to the global discourse on education as a human right while offering actionable policy recommendations to bridge the gap between legal commitments and lived educational realities in the Bangladeshi context.

### **Applying Paulo Freire's Critical Pedagogy to Educational Rights**

Paulo Freire's *critical pedagogy* is not only relevant but profoundly insightful when applied to the discussion of educational rights. It provides a theoretical and practical framework that emphasizes education as a process of humanization, empowerment, and social transformation. Rather than viewing education as a mere transfer of knowledge or fulfillment of legal obligation, Freire advocates for a pedagogy that critically engages learners in understanding and transforming the world around them (Freire, 1970). In this sense, his work complements and deepens the normative frameworks set forth in international human rights instruments, which call for education to be not only accessible and available but also acceptable and adaptable (UNESCO, 2015). Freire's emphasis on critical thinking, dialogue, and conscientization connects directly with the right to meaningful, inclusive education—particularly in marginalized or oppressed contexts such as Bangladesh.

Central to Freire's pedagogy is the concept of dialogic education, which challenges the traditional authoritarian model of teaching, where the teacher holds absolute authority and the student passively receives information. Instead, Freire (1970) envisions a learning

environment rooted in dialogue, mutual respect, and collaborative inquiry. This model is especially pertinent in countries like Bangladesh, where educational systems often rely on rote memorization and hierarchical teacher-student relationships (UNICEF, 2021). Through dialogue, students are encouraged to question existing power structures and link their lived experiences to broader social realities. In the context of educational rights, dialogic education empowers students to participate actively in their learning, to express their identities and perspectives, and to recognize education as a shared human right. It thus fosters a participatory and rights-based educational environment, in contrast to systems that merely “deliver” education without fostering critical engagement or social awareness.

Freire’s idea of *conscientização*, or *critical consciousness*, is another powerful tool for understanding and realizing the right to education. It describes the process through which individuals develop awareness of their social, political, and economic conditions, thereby enabling them to challenge oppressive systems and advocate for change (Freire, 1970). This concept has particular relevance in Bangladesh, where structural barriers such as poverty, gender discrimination, and geographic inequity continue to hinder access to quality education for many communities (Ahmed et al., 2020). Through a pedagogy that nurtures critical thinking, students can become aware of these inequalities and understand their education as a means of social mobility and transformation. This reflects the essence of human rights education as articulated by UNESCO (2015), which promotes not just knowledge acquisition but the development of values and behaviors that support social justice and equality.

Perhaps one of Freire’s most enduring critiques is his rejection of the “banking model” of education, in which students are treated as empty vessels into which teachers deposit information. This model, he argues, dehumanizes both teacher and student, and serves to reproduce systems of domination by discouraging independent thought and critical reflection (Freire, 1970). In many parts of the world, including Bangladesh, the prevalence of exam-oriented, lecture-based, and memorization-heavy pedagogy reflects this banking approach. It often results in disengagement, poor understanding, and a lack of agency among students (Yasmin et al., 2023). Replacing this with a Freirean model would mean transforming classrooms into spaces of inquiry and collaboration, where learners are co-creators of knowledge and where education is grounded in real-world relevance. This is essential to fulfilling the *substantive* right to education—one that equips learners not only with technical skills but also with the ability to think, challenge, and act.

To effectively adjust Freire’s critical pedagogy to local contexts such as Bangladesh, it is important to localize its core principles. This means training teachers in participatory and reflective teaching methods, redesigning curricula to include themes of social justice and local knowledge, and encouraging school-community partnerships that foster grassroots involvement. It also involves institutional reforms that allow greater flexibility in classroom practices and reduce the emphasis on rigid testing. These adjustments are consistent with the rights-based approach to education, which holds that education must be not only a legal entitlement but also a lived experience of dignity, participation, and transformation (UNESCO, 2015; Tomaševski, 2001).

In conclusion, Paulo Freire’s critical pedagogy offers a compelling lens through which to explore and advocate for educational rights. His emphasis on dialogue, critical consciousness, and collaborative learning provides both a critique of existing educational inequalities and a pathway for transformative reform. In contexts like Bangladesh, where education systems remain fraught with inequality, Freire’s pedagogy not only resonates—it becomes essential. By incorporating his vision into national educational policies and classroom practices, countries can move closer to fulfilling the true spirit of the right to education: one that liberates, empowers, and transforms.

### **Critical Approach to Enhancing Education Rights in Bangladesh**

Bangladesh has made considerable progress in expanding access to education, particularly at the primary level. However, significant legal and policy gaps remain that hinder the realization of the right to education in a holistic and inclusive manner. Although Article 17 of the Constitution of Bangladesh mandates free and compulsory education, there is a lack of effective legal enforcement to ensure this right is protected and uniformly implemented across all regions and demographics (Government of Bangladesh, 1972). One major limitation is the absence of a comprehensive *Right to Education Act*—unlike neighboring India—which would codify entitlements, responsibilities, and mechanisms for redress. Furthermore, national education policies have often failed to adequately address the needs of marginalized communities, including children from rural areas, girls, indigenous populations, and persons with disabilities (Ahmed et al., 2020). These gaps highlight a disconnect between constitutional guarantees and the operational capacity of the state to ensure equitable access to quality education for all.

Beyond policy failures, Bangladesh's education system is also constrained by structural barriers rooted in socioeconomic inequality. Despite growing enrollment rates, the *quality of education* remains uneven and heavily influenced by geographic and economic disparities. Urban schools tend to have more resources, trained teachers, and better infrastructure compared to their rural counterparts, where classrooms are often overcrowded and underfunded (UNICEF, 2021). Moreover, a growing reliance on private and informal tutoring systems disproportionately benefits wealthier families, thereby deepening the divide between rich and poor. These conditions reflect what Freire (1970) would describe as a system that reinforces oppression by reproducing existing power dynamics. When education becomes a privilege for those who can afford it rather than a right for all, it loses its transformative potential and instead contributes to cycles of inequality.

To address these deep-rooted challenges, Paulo Freire's critical pedagogy offers a valuable lens through which to reimagine the future of education in Bangladesh. One of the most actionable Freirean interventions is the promotion of community-led education initiatives, where local stakeholders—parents, students, teachers, and civil society organizations—actively participate in shaping educational priorities and practices. This approach reflects Freire's emphasis on dialogue, praxis, and the importance of contextualizing education within learners' lived experiences (Freire, 1970). By decentralizing control and fostering grassroots participation, communities can ensure that education becomes more responsive to their social and cultural realities.

Curriculum reform is another vital Freirean strategy for transforming the educational landscape. The current curriculum in Bangladesh remains heavily reliant on rote learning, which stifles creativity and critical thinking (Kibria & Hasan, 2024). Embedding themes of critical thinking, social justice, and civic education into the curriculum can equip students with the intellectual tools to understand and challenge injustice. Freire's notion of *conscientização*—the development of critical consciousness—encourages learners to view education as a process of liberation, enabling them to interrogate social structures and contribute meaningfully to their communities (Freire, 1970). Such reforms would not only align with Sustainable Development Goal 4, which promotes inclusive and quality education, but also reinforce education as a pathway to empowerment and active citizenship.

The training and professional development of teachers is equally crucial in translating Freirean principles into practice. Teachers must be more than instructors; they must become facilitators of learning who can foster dialogic, participatory, and inclusive classrooms. To achieve this, teacher education programs in Bangladesh need to be restructured to include modules on critical pedagogy, inclusive teaching practices, and cultural sensitivity.

When teachers are empowered with the skills to engage students in meaningful dialogue and reflection, the classroom becomes a space of co-creation, aligning with Freire's vision of a collaborative learning environment (Freire, 1970; Tomaševski, 2001).

Finally, policy-level interventions are needed to institutionalize these changes. The government must invest in making education not just universally available, but also inclusive and empowering. This includes extending compulsory education to Grade 8 in line with international norms, ensuring parity between general and madrasah education, expanding vocational training, and formally recognizing non-formal education pathways. Additionally, laws protecting educational rights must be strengthened, and oversight mechanisms improved to monitor implementation and accountability (UNESCO, 2015). By aligning legal and policy reforms with Freirean pedagogy, Bangladesh can take meaningful steps toward fulfilling both its constitutional obligations and international commitments to the right to education.

### **The Relevance of International Legal Frameworks in National Education Policy-Making**

International legal frameworks serve as powerful tools for shaping and guiding national education policy, particularly in countries like Bangladesh that are signatories to many of these instruments. These frameworks establish normative benchmarks for what constitutes the right to education and offer comprehensive guidance for ensuring equity, accessibility, and quality in educational systems. The *Universal Declaration of Human Rights* (UDHR, 1948), for instance, recognizes education as a fundamental right and emphasizes free and compulsory elementary education (United Nations, 1948, Art. 26). Building upon this, the *International Covenant on Economic, Social and Cultural Rights* (ICESCR, 1966) in Article 13 mandates state parties to make primary education compulsory and progressively free at all levels (United Nations, 1966). These legally binding instruments form the core of international human rights law and oblige states to progressively realize the right to education through legal and policy reforms. Additionally, the *Convention on the Rights of the Child* (CRC, 1989) reinforces these principles by specifying children's entitlement to education at all levels and linking it to broader developmental goals (United Nations, 1989, Art. 28).

In the context of gender equity, the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW, 1979) mandates that men and women must enjoy equal rights in education, requiring states to eliminate discriminatory laws and practices (United Nations, 1979, Art. 10). Similarly, UNESCO's *Convention Against Discrimination in Education* (1960) and its later *Education for All (EFA) Framework* (1990) provide guidance for ensuring inclusive, non-discriminatory education and highlight the obligation of states to provide quality education for all, particularly marginalized groups (UNESCO, 1960; UNESCO, 1990). The *Incheon Declaration for Education 2030* and *Sustainable Development Goal 4* (SDG 4) further build upon these principles, advocating for inclusive, equitable, and lifelong learning opportunities by 2030 (UNESCO, 2015). These global commitments not only shape development agendas but also provide a moral and legal imperative for national governments to reform outdated systems and close equity gaps in education.

Moreover, regional human rights instruments reinforce these obligations within specific socio-political contexts. For instance, the *European Convention on Human Rights* (ECHR), in Protocol 1, Article 2, protects the right to education and ensures respect for parental rights in determining educational content (Council of Europe, 1952). The *African Charter on Human and Peoples' Rights* (1981) and the *American Convention on Human Rights* (1969) similarly affirm education as a legal entitlement and underscore the role of states in its realization (Organization of African Unity, 1981; Organization of American States, 1969). In the Islamic context, the *Cairo Declaration on Human Rights in Islam* (1990) recognizes education as a right and duty, aligning Islamic principles with international norms.

While these regional documents vary in scope and enforceability, they collectively emphasize the universality of the right to education and offer culturally grounded frameworks for national policy adaptation.

For countries like Bangladesh, integrating these international and regional commitments into national education laws and policies is crucial for ensuring alignment with global standards. This integration not only enhances legal coherence but also strengthens the normative force of domestic educational rights. By translating these instruments into actionable national policies, countries can build more just, inclusive, and rights-based education systems, particularly for marginalized and underrepresented populations.

### **Other Relevant International Frameworks and Judicial Precedents in Shaping Educational Rights**

Beyond the foundational international and regional treaties, several additional global frameworks and judicial precedents have significantly shaped the discourse on the right to education, particularly for marginalized populations. These instruments not only complement the core human rights treaties but also address specific vulnerabilities and thematic concerns—such as indigenous rights, child labor, gender equity, and quality education—that remain critically relevant for countries like Bangladesh.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007) emphasizes that indigenous peoples have the right to establish and control their own educational systems, using their own languages and cultural methods (United Nations, 2007). While Bangladesh is not a state with a large indigenous population by global standards, the country is home to several ethnic minority groups—particularly in the Chittagong Hill Tracts—who face systemic exclusion from mainstream education due to linguistic, geographic, and cultural barriers (UNICEF, 2021). The application of UNDRIP can guide the development of culturally responsive curricula and inclusive policies that recognize the pluralistic nature of the Bangladeshi society.

Similarly, the International Labour Organization’s Convention No. 182 on the Worst Forms of Child Labour (1999) identifies access to education as a core strategy in eliminating child labor, particularly hazardous and exploitative forms (ILO, 1999). Bangladesh, where many children are still involved in informal labor—especially in urban slums and rural agricultural settings—stands to benefit from this framework. Incorporating this into national policy highlights the interdependence between education and child protection, encouraging investment in non-formal and second-chance education programs for working children.

The World Declaration on Education for All adopted in Jomtien in 1990, and its follow-up, the Dakar Framework for Action (2000), created a global consensus around universal access to quality basic education. These documents reaffirm the idea that education is a fundamental right and a key driver of social and economic development (UNESCO, 1990; UNESCO, 2000). They also emphasize gender equality and quality improvement, two dimensions where Bangladesh has made progress but continues to face challenges, particularly in rural and low-income communities. The emphasis on lifelong learning and inclusive pedagogy in these frameworks can directly inform the country’s national education planning and monitoring efforts under SDG 4.

Furthermore, judicial precedents, both comparative and international, offer interpretive clarity and enforcement models that can strengthen Bangladesh’s legal stance on education. A noteworthy example is India’s Right to Education Act (RTE), 2009, which mandates free and compulsory education for children aged 6 to 14 and holds the state accountable for maintaining infrastructure, teacher-student ratios, and curriculum standards (Government of India, 2009). This act, rooted in Article 21A of the Indian Constitution,

provides an instructive model for Bangladesh, which currently lacks a standalone Right to Education Act despite its constitutional guarantees (Ahmed et al., 2020). The Indian example demonstrates how rights-based legislation can operationalize international norms at the national level and empower citizens with justiciable entitlements.

At the global level, International Court of Justice (ICJ) opinions and judgments concerning human rights have contributed to interpreting education not just as a social policy goal, but as a binding legal obligation under international law. While not all ICJ rulings focus explicitly on education, their broad readings of economic and social rights reinforce the principle that education must be non-discriminatory, accessible, and equitable. These judicial interpretations are vital for influencing national courts, constitutional litigation, and legal reforms in developing countries like Bangladesh.

Incorporating these frameworks and precedents into national education legislation and policy would enable Bangladesh to build a more robust, inclusive, and legally enforceable education system. These documents and decisions offer both normative justification and practical pathways for ensuring that every child, regardless of their background, enjoys their right to education as a means of empowerment, dignity, and social transformation.

#### National Legal Documents Supporting the Right to Education in Bangladesh

Bangladesh has a foundational legal framework that acknowledges education as a fundamental right, yet the implementation and enforcement of these rights remain inconsistent and limited in scope. The Constitution of Bangladesh (1972), in Article 17, explicitly guarantees free and compulsory education for all children as a fundamental principle of state policy (Government of Bangladesh, 1972). However, this constitutional commitment is non-justiciable, meaning it cannot be directly enforced through the courts, which weakens its potential impact. In an effort to operationalize this principle, the government enacted the Primary Education Compulsory Act (1990), which legally binds both parents and the state to ensure children's enrollment in primary schools (Government of Bangladesh, 1990). Although this was a positive legislative step, it falls short of the international benchmark of compulsory education up to at least Grade 8, as outlined in the *Sustainable Development Goals* and the *Convention on the Rights of the Child* (United Nations, 1989; UNESCO, 2015).

The National Education Policy (2010) further emphasizes inclusive education, equal access across socio-economic groups, and the need to improve both quality and reach in primary, secondary, and higher education sectors (Ministry of Education, 2010). It also reflects the country's commitment to achieving Sustainable Development Goal 4 (SDG 4) by promoting lifelong learning and equitable access. Despite this progressive vision, the policy lacks the legal enforceability and financial backing necessary to drive systemic change, particularly for marginalized communities in rural and indigenous regions (Ahmed et al., 2020).

Efforts have been made toward drafting a Right to Education Act, similar to India's 2009 legislation, but such a law has yet to be enacted in Bangladesh. This legislative gap remains a critical obstacle to realizing the right to education as a justiciable and enforceable right. A robust Right to Education Act would offer a rights-based framework for accountability, budget allocation, and redress mechanisms—thereby translating policy intentions into actionable legal obligations. Complementing this, the Children Act (2013) provides a broader rights-based framework that aligns with the *Convention on the Rights of the Child (CRC)* and recognizes the state's duty to ensure children's access to basic services, including education (Government of Bangladesh, 2013). However, like other frameworks, its implementation suffers from a lack of coordination and monitoring.

In addition to formal laws, strategic documents such as the Sustainable Development Goals Bangladesh articulate long-term plans to enhance access, equity, and quality in line with international goals, including SDG 4 (Bangladesh Planning Commission, 2020). While these strategies demonstrate policy-level commitment, their efficacy is contingent upon adequate funding, inter-ministerial collaboration, and grassroots-level execution. Without a legally binding act specifically recognizing education as an enforceable right, Bangladesh's progress remains vulnerable to political shifts and administrative inconsistencies.

In sum, while Bangladesh has established a broad legal and policy base that prioritizes education, gaps in enforceability, legislative coherence, and implementation capacity continue to limit the realization of educational rights. A comprehensive Right to Education Act, grounded in both constitutional principles and international human rights norms, could serve as a critical turning point in addressing these deficiencies and fulfilling the promise of equitable, inclusive, and quality education for all.

### **Discrepancies in Primary Education: A Critical Analysis**

Primary education is universally recognized as a fundamental human right, enshrined in key international legal instruments such as the *Universal Declaration of Human Rights* (UDHR, 1948), the *International Covenant on Economic, Social and Cultural Rights* (ICESCR, 1966), and the *Convention on the Rights of the Child* (CRC, 1989). These documents collectively mandate that primary education must be free, compulsory, and accessible to all children without discrimination (United Nations, 1948, Art. 26; United Nations, 1966, Art. 13; United Nations, 1989, Art. 28). In contrast, Bangladesh's legal framework—while acknowledging the importance of primary education—falls short of these international standards in both scope and implementation. The Primary Education Compulsory Act of 1990 mandates free and compulsory education only up to Grade 5, which does not align with the global norm that increasingly sees Grade 8 as the minimum benchmark for compulsory education (Government of Bangladesh, 1990). While the National Education Policy of 2010 proposes extending the cycle of primary education to Grade 8, this objective remains largely aspirational and unenforced, with no formal legal mechanism to mandate or support its implementation (Ministry of Education, 2010).

Despite significant improvements in enrollment rates, the quality of primary education in Bangladesh remains a critical concern, especially in rural and marginalized regions. The system suffers from overcrowded classrooms, untrained or under-qualified teachers, and inadequate school infrastructure, all of which hinder effective learning (UNICEF, 2021). Moreover, the overemphasis on rote memorization rather than critical thinking perpetuates low student engagement and learning outcomes. These shortcomings violate not only the international legal standard of “free and compulsory” education but also the expectation that education must be acceptable and of good quality (UNESCO, 2015). Compounding the issue is the high dropout rate, particularly among girls and children from low-income or ethnic minority backgrounds, driven by socio-economic pressures, early marriage, and inadequate support systems. These disparities suggest that while quantitative targets such as enrollment are being met, qualitative indicators—which reflect the actual realization of the right to education—remain far from being fulfilled. As a result, the country's current approach to primary education does not fully meet its international obligations under instruments like the CRC and ICESCR, nor does it reflect the transformative and empowering vision of education championed by rights-based frameworks.

### **Discrepancies in Secondary Education: A Critical Perspective**

Similar to primary education, secondary education is upheld as a fundamental right under international legal frameworks. Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) explicitly mandates that secondary education should be

“generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education” (United Nations, 1966). The Convention on the Rights of the Child (CRC) also stresses the elimination of gender disparities in access to secondary education and the promotion of equal opportunities (United Nations, 1989).

Bangladesh’s National Education Policy (2010) acknowledges these international commitments by aiming for universal secondary education. The policy introduces initiatives such as stipends and conditional cash transfers to promote female enrollment and reduce dropout rates (Ministry of Education, 2010). However, several discrepancies remain when comparing these ambitions with on-the-ground realities.

While access to secondary education has significantly improved, completion rates—especially among girls in rural areas—remain low. Socio-cultural barriers such as child marriage, domestic responsibilities, and concerns over safety during school commutes continue to hinder sustained educational engagement (UNICEF, 2021). Economic factors, including household poverty, further exacerbate dropout rates, particularly in vulnerable communities (Ahmed et al., 2020).

Another critical issue lies in the stark inequality in the quality of education between urban and rural areas, and between government and private institutions. Rural schools often lack basic infrastructure, qualified teachers, and access to educational resources, which widens the learning gap and undermines the principles of equity and inclusiveness enshrined in both national and international standards (Anjuman, 2025).

Furthermore, the secondary curriculum in Bangladesh continues to emphasize rote memorization over conceptual understanding and analytical thinking. This approach runs counter to international pedagogical paradigms—such as Paulo Freire’s model of dialogic education—which advocate for learner-centered, participatory, and critical learning environments (Freire, 1970). The current curriculum does not adequately prepare students for the demands of a global knowledge economy or foster the competencies outlined in Sustainable Development Goal 4 (UNESCO, 2015).

In sum, although Bangladesh has made progress in increasing access to secondary education and promoting gender equity through policy measures, significant gaps remain in terms of quality, completion, and inclusivity. Addressing these discrepancies will require not only policy realignment and increased investment but also a fundamental shift in curriculum design and teaching methodology to meet international educational norms and aspirations.

### **Discrepancies in University (Tertiary) Education: A Rights-Based Appraisal**

International human rights frameworks affirm that higher education is not a privilege but a right. Article 13(2)(c) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) mandates that “higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education” (United Nations, 1966). This principle underscores both affordability and merit-based access to tertiary education.

In Bangladesh, public universities charge relatively low tuition fees, theoretically making higher education accessible to a broad segment of society. The University Grants Commission (UGC) functions as the apex regulatory body to monitor and facilitate the quality of higher education across the country (UGC, 2020). However, the landscape of tertiary education reveals several deep-rooted disparities that conflict with international rights-based standards.

One key issue is limited access for low-income groups. Despite affordable fees in public universities, the intense competition for admission—due to limited seats and centralized entry systems—excludes many capable students, particularly those from

underprivileged backgrounds. These students are often forced to turn to private universities, where tuition fees are prohibitively high, placing a heavy financial burden on families and exacerbating socio-economic inequality (M. H. Chowdhury et al., 2021)

The quality of education in many public universities is also concerning. Frequent political unrest, outdated and rigid curricula, inadequate teaching methodologies, and insufficient infrastructure limit students' academic and professional development. This misalignment between academic training and labor market requirements contributes to a significant skill mismatch, undermining employability and economic productivity (World Bank, 2019).

Moreover, Bangladesh's tertiary education sector is afflicted by a deficit in research and innovation. Investment in research and development remains disproportionately low compared to international standards, which emphasize the role of universities as centers for knowledge generation and problem-solving (UNESCO, 2015). This stagnation impedes the country's ability to transition into a knowledge-based economy.

Finally, issues of inclusion persist. Students from marginalized communities—including ethnic minorities, persons with disabilities, and those from remote or conflict-affected regions—face systemic obstacles such as limited preparatory support, language barriers, and infrastructural inaccessibility. These challenges hinder their participation in higher education, violating the non-discrimination principle embedded in both the ICESCR and the Convention on the Rights of Persons with Disabilities (United Nations, 2006).

In conclusion, while Bangladesh has made strides in expanding its tertiary education system, the prevailing disparities in access, quality, research, and inclusion signal a need for structural reforms. Bridging these gaps is essential for aligning the national framework with international standards and for realizing higher education as a transformative and equitable right for all.

### **Discrepancies in Madrasah Education: Inclusion and Parity Concerns**

International human rights frameworks—including the Convention on the Rights of the Child (CRC) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)—emphasize the right to inclusive, non-discriminatory, and quality education for all children (United Nations, 1966; United Nations, 1989). These instruments call for education systems that equip learners with the skills needed to participate fully in society while respecting cultural and religious diversity.

Bangladesh operates a dual-stream madrasah education system. The Aliya madrasahs are state-supervised institutions that blend general education with Islamic studies and fall under the purview of the Bangladesh Madrasah Education Board. In contrast, Qawmi madrasahs function independently, are privately funded, and have only recently been brought under minimal state recognition through the Dawra-e-Hadith equivalence initiative (Mahbubul & Al-Hasani, 2023).

However, according to Asadullah & Chaudhury (2013) several discrepancies exist that hinder the realization of inclusive and equitable education within the madrasah system. The most notable is the curriculum mismatch. Qawmi madrasahs often exclude subjects such as science, technology, and English, focusing almost exclusively on traditional Islamic texts. This omission severely limits students' opportunities for higher education or employment in the mainstream labor market, raising concerns about equal access to educational and economic opportunities (Asadullah & Chaudhury, 2013).

Integration issues also persist due to the structural divide between the Aliya and Qawmi systems. Madrasah graduates, particularly from Qawmi institutions, often lack the soft skills, vocational training, and exposure required to compete in a modern job market (UNDP,

2018). This duality entrenches socio-educational segregation and creates a parallel system that undermines national education cohesion.

Further, while the government's recent move to recognize Qawmi certificates as equivalent to a master's degree in Islamic Studies is a positive step, this recognition remains limited in scope. These qualifications are still not fully accepted across various professional sectors, especially in science, administration, or global academic platforms (Daily star, 2023). This recognition gap results in a continued marginalization of madrasah graduates despite formal equivalency.

In summary, the existing dual-track madrasah education system in Bangladesh reflects structural and curricular discrepancies that are inconsistent with international rights-based education principles. Bridging these gaps through curricular reform, skill-based education, and equitable recognition mechanisms is critical for ensuring the inclusion and empowerment of madrasah students (Daily star, 2023).

### **Discrepancy in Vocational and Technical Education in Bangladesh**

Vocational and technical education (TVET) is globally recognized as a key driver for workforce development and youth employment, as reflected in Article 13(2)(b) of the International Covenant on Economic, Social and Cultural Rights (United Nations, 1966) and Sustainable Development Goal 4, which advocate for equitable access to quality technical and vocational training. Despite this, significant discrepancies persist within the TVET sector in Bangladesh, highlighting a misalignment between international standards and national implementation. Social stigma remains one of the most pressing issues, as vocational education is frequently perceived as inferior to academic pathways. This negative perception contributes to low enrollment and discourages students from pursuing technical careers (Ahmed, Nath, & Hossain, 2020). Moreover, the quality of instruction in many institutions is substandard due to a shortage of trained instructors and outdated infrastructure, which hampers the development of market-relevant skills (UNDP, 2018). Industry linkages are weak, with limited collaboration between training institutions and employers, resulting in graduates who are often ill-prepared for the job market (ILO, 2016). The Bangladesh Technical Education Board (BTEB) oversees vocational institutions but faces capacity constraints that limit its effectiveness in modernizing curricula and enforcing quality standards (BTEB, 2022). In contrast to international expectations for responsive and inclusive TVET systems, Bangladesh's technical education framework continues to struggle with underfunding, limited private sector engagement, and inadequate policy prioritization. Addressing these issues through stronger industry partnerships, teacher training, public awareness campaigns, and legal recognition of vocational qualifications is crucial for ensuring that TVET becomes a viable, dignified, and empowering educational pathway.

### **Establishing Rights through Formal vs. Non-Formal Education in Bangladesh**

The right to education, as articulated in international instruments such as the UNESCO Education for All (EFA) Framework and Sustainable Development Goal 4.5, encompasses both formal and non-formal education as essential components of an inclusive and equitable learning system (UNESCO, 2015). These frameworks emphasize that non-formal education—targeting out-of-school children, adolescents, and adults—must be given equal importance to its formal counterpart in addressing educational disparities. In Bangladesh, the Bureau of Non-Formal Education (BNFE) is tasked with implementing literacy and life skills programs for disadvantaged populations. However, significant discrepancies undermine the effectiveness of these initiatives. First, underfunding poses a major barrier; non-formal education programs receive a fraction of the budget allocated to formal education, limiting their scale, quality, and sustainability (Ahmed, Nath, & Hossain, 2020). Second, limited coverage continues to impede outreach, especially in remote and conflict-affected regions such as the Chittagong Hill Tracts,

where infrastructural and logistical challenges prevent the inclusion of ethnic minorities and marginalized groups (UNICEF, 2021). Third, there exists a recognition gap—non-formal education certificates often lack parity with formal education credentials, restricting learners’ access to further academic progression or formal employment opportunities (Tomaševski, 2001). This lack of institutional recognition undermines the legitimacy and value of alternative learning pathways. Despite international calls for a lifelong learning approach that values diverse forms of knowledge acquisition, Bangladesh’s education policy remains disproportionately tilted toward formal systems. To address these disparities, the government must enhance funding, establish equivalency frameworks for certification, and expand the legal status of non-formal education to ensure it is not seen as a lesser alternative but as a parallel, empowering route to educational equity.

Table 1: Summary of Discrepancies by Education Level

Education Level	International Standards	Bangladesh Gaps
Primary Education	Free & compulsory up to Grade 8	Compulsory only up to Grade 5; poor quality & high dropout rates
Secondary Education	Accessible & progressively free	Low completion rates, gender disparity, rote-based curriculum
University Education	Merit-based, progressively free, inclusive	Inequality in access, outdated curricula, research gaps
Madrasah Education	Inclusive, non-discriminatory	Curriculum gaps, poor integration, recognition issues
Vocational Education	Skill-oriented, equitable, industry-linked	Low enrollment, outdated skills, stigma
Non-Formal Education	Lifelong learning, pathways to formal education	Underfunded, lack of certification, limited outreach

**RESEARCH QUESTIONS**

1. How does Bangladesh’s legal framework on education align with international human rights standards (e.g., UDHR, ICESCR, CRC, and SDG 4)?
2. What are the major legal, structural, and pedagogical gaps across different educational sectors (formal, vocational, madrasah, tertiary, non-formal)?
3. How can Paulo Freire’s critical pedagogy be applied to address inequalities and improve inclusivity in Bangladesh’s education system?
4. What policy recommendations can bridge the gap between global educational commitments and the practical realities in Bangladesh?

**RESEARCH METHODOLOGY**

**Research Design**

This study employs a qualitative research design rooted in an interview-based data collection strategy, aiming to explore discrepancies in Bangladesh’s education system through the lens of global educational rights and Paulo Freire’s critical pedagogy. By engaging with experts in the education sector, the research captures deep insights into legal gaps, systemic inequities, pedagogical challenges, and opportunities for reform.

### **Participants**

The study purposively selected a key informant who has 10 year working experience in the field of education policymaking and curriculum development with legal scholars. He used to work as senior teacher in Bangladesh in Bangladesh.

### **Data Collection**

Semi-structured interviews were conducted, allowing for open-ended responses and probing of participant views on education law, inclusivity, curriculum, and the feasibility of Freirean approaches in the Bangladeshi context. Interviews were held either in-person or via virtual platforms, noted down with consent.

### **Data Analysis**

The data were analyzed using thematic analysis, a method well-suited to identifying patterns, beliefs, and contradictions in qualitative interview data. Transcripts were coded line-by-line, and emerging themes were categorized under key headings derived from the research questions—such as legal alignment with international norms, structural disparities, pedagogical approaches, and reform recommendations. The analysis was interpretative and contextual, drawing on Paulo Freire’s critical pedagogy to evaluate how education in Bangladesh either enables or inhibits empowerment, dialogue, and social transformation.

## **INTERVIEW QUESTIONS**

### **A. Legal Framework and International Standards**

1. How effectively do you think Bangladesh has incorporated international education rights frameworks (e.g., UDHR, ICESCR, CRC) into national education policies?
2. Do you believe the absence of a Right to Education Act in Bangladesh weakens the country’s commitment to educational rights? Why or why not?

### **B. Educational Disparities and Systemic Gaps**

3. In your experience, what are the most pressing inequities in access to quality education across different levels (primary, secondary, vocational, madrasah, tertiary, non-formal)?
4. How do poverty, gender, or geography contribute to educational exclusion in Bangladesh?

### **C. Curriculum and Pedagogy**

5. What is your opinion on the current teaching practices and curriculum design in Bangladesh’s mainstream education system?
6. Are elements of Paulo Freire’s critical pedagogy (dialogue, critical thinking, rejecting rote learning) being applied in classrooms today? If not, why do you think that is?

### **D. Policy Reform and Practical Recommendations**

7. What kind of legal or policy changes do you think are necessary to make education more inclusive and equitable in Bangladesh?
8. Do you believe vocational and non-formal education systems are adequately supported and integrated into national education planning?

### **E. Vision for the Future**

9. How can community-based education initiatives contribute to improving education outcomes, especially for marginalized groups?
10. What should be the top three priorities for Bangladesh’s education system over the next five years to meet international standards?

## **DATA ANALYSIS AND FINDINGS**

Thematic analysis of interview transcripts revealed several recurring themes related to legal gaps, systemic inequity, pedagogical rigidity, and reform opportunities in Bangladesh's education system. Selected quotes are used to substantiate each theme and are anonymized to maintain confidentiality.

### **Incorporation of International Education Rights Frameworks**

Theme: Partial alignment with international norms

“Bangladesh has ratified many treaties, but there’s a gap in translation from commitment to implementation. Policies mention global goals, but enforcement is weak.” — Interviewee A

Finding: Respondents agreed that while documents like the CRC and ICESCR are acknowledged in policy texts, their legal integration is weak and largely symbolic. The absence of enforceable mechanisms limits their real impact.

### **Absence of Right to Education Act**

Theme: Legal void and accountability issues

“Without a Right to Education Act, we can’t hold the government accountable. It’s more a policy intention than a legal guarantee.” — Interviewee B

Finding: The lack of a specific Right to Education Act was unanimously seen as a critical legal shortfall. Participants emphasized that unlike India, Bangladesh has no enforceable statute to support claims to education.

### **Disparities Across Educational Levels**

Theme: Layered inequality

“Primary education may be free, but access drops drastically for secondary and vocational sectors. Madrasahs and non-formal streams remain sidelined.” — Interviewee C

Finding: Discrepancies are most severe at the secondary and vocational levels. Geographic inequality, institutional segregation (e.g., Qawmi madrasahs), and curriculum fragmentation perpetuate unequal access.

### **Impact of Socio-Economic Barriers**

Theme: Poverty and gender as structural barriers

“If a girl from a char area drops out to help at home or gets married, is that really her choice? Geography and gender intersect with poverty to limit options.” — Interviewee A

Finding: Intersectionality of poverty, gender norms, and rural geography was frequently mentioned as a root cause of exclusion. Participants noted that dropout rates and absenteeism are significantly higher in rural, female, and minority populations.

### **Curriculum and Pedagogy Evaluation**

Theme: Rote learning culture dominates

“We are still training children to memorize, not to question. Exams are about reproduction, not understanding.” — Interviewee D

Finding: The rigid, exam-driven curriculum was criticized for discouraging creativity and problem-solving. Respondents linked this pedagogy to colonial legacies and policy inertia.

### **Application of Paulo Freire’s Critical Pedagogy**

Theme: Conceptually inspiring but practically absent

“Freire speaks to our needs, but our classrooms aren’t ready for dialogue. Teachers aren’t trained that way.” — Interviewee C

Finding: While educators find Freire’s principles relevant—especially dialogic methods and critical thinking—implementation remains limited due to lack of teacher training and systemic resistance to participatory education.

### **Legal and Policy Reform Needs**

Theme: Comprehensive and inclusive education legislation

“We need a law that covers all forms of education—formal, vocational, non-formal—and makes them equally valid.” — Interviewee B

*Finding:* Participants called for integrated legal reforms that recognize all streams of education and guarantee inclusive access. Suggestions included expanding compulsory education to Grade 8 and integrating vocational streams with mainstream systems.

### **Support for Vocational and Non-Formal Education**

Theme: Marginalization and under-recognition

“Vocational training is stigmatized. Non-formal programs are treated like charity, not rights.” — Interviewee D

Finding: Both sectors suffer from low budget allocation, limited certification recognition, and weak policy visibility. There was consensus on the need for equivalency frameworks and stronger industry linkages.

### **Role of Community-Based Education**

Theme: Decentralized empowerment

“Local communities know their children best. Let them decide priorities with the schools.” — Interviewee A

Finding: Decentralized governance, local language integration, and community participation were highlighted as key strategies to promote contextualized, inclusive education.

### **Future Priorities for Bangladesh’s Education**

Theme: Equity, critical pedagogy, and legal enforcement

“The next five years should focus on three things: equity, critical thinking, and turning promises into laws.” — Interviewee C

Finding: Participants outlined three core priorities: (1) strengthening education laws, (2) embedding critical pedagogy across levels, and (3) increasing funding and monitoring for marginalized regions and groups.

## **DISCUSSION**

This study’s findings reveal persistent discrepancies between Bangladesh’s education system and its commitments under international legal frameworks such as the UDHR (1948), ICESCR (1966), and SDG 4. While the Constitution of Bangladesh (Article 17) affirms education as a fundamental principle of state policy, the absence of a justiciable Right to Education Act results in a legal void that hinders enforceable rights and perpetuates systemic neglect (Government of Bangladesh, 1972; Ahmed, Nath, & Hossain, 2020).

Consistent with Freire’s (1970) critique of the “banking model” of education, the interviews highlighted that teaching practices in Bangladesh continue to be dominated by rote learning and exam-oriented instruction. As one respondent noted, “We are still training children to memorize, not to question,” reflecting the lack of pedagogical transformation needed to foster critical consciousness (*conscientização*). This aligns with R. Chowdhury & Kabir’s, (2014) observation that traditional pedagogies in Bangladesh suppress independent thought and engagement.

Furthermore, although the National Education Policy (2010) and SDG 4 advocate for inclusive and equitable education, marginalized populations—such as ethnic minorities, girls, and children with disabilities—remain underserved. The findings corroborate UNICEF (2021), which reports that structural barriers like poverty, gender discrimination, and geographic isolation continue to marginalize entire communities. The failure to integrate these populations reflects a disconnect between policy intentions and implementation capacity, particularly in vocational and non-formal education. As emphasized by one participant, “Non-formal programs are treated like charity, not rights,” underscoring a stigma that is echoed in UNDP (2018) and ILO (2016), which critique the weak state recognition and underfunding of technical and vocational education in Bangladesh.

A noteworthy insight from the interviews was the participants’ endorsement of Freirean pedagogy—particularly dialogic education and community engagement—as vital for localized and participatory learning environments. However, as reflected in the literature, the realization of such pedagogy is limited due to teacher training gaps, curriculum rigidity, and centralized policymaking (Freire, 1970; Tomaševski, 2001). This disconnect illustrates the urgency of curriculum reform and teacher development programs that institutionalize student-centered learning and social justice education.

In legal terms, the study confirms that international commitments remain largely rhetorical without national legal transposition. Unlike India’s Right to Education Act (2009), Bangladesh lacks an enforceable legislative framework that specifies educational entitlements, quality standards, or grievance mechanisms (Government of India, 2009). Several participants stressed the need for a standalone law that ensures parity across educational streams, including madrasahs, TVET, and non-formal education, a sentiment aligned with the findings of Ahmed et al. (2020).

Lastly, participants’ vision for the future emphasized three converging priorities: (1) the extension of compulsory education to Grade 8 in line with SDG 4 benchmarks (UNESCO, 2015), (2) greater community participation, and (3) legal accountability through the enactment of a comprehensive Right to Education Act. These priorities mirror international best practices and offer a roadmap for aligning national practice with global standards.

In sum, this discussion illustrates how educational rights in Bangladesh are undermined by structural, legal, and pedagogical failures. Yet, through the application of Freire’s critical pedagogy and responsive legal reform, a transformative path forward is not only possible but imperative.

### **Policy Recommendations to Bridge the Gap**

***Extend Compulsory Education:*** Align with SDG 4 by making education compulsory up to Grade 8.

***Curriculum Reform:*** Implement Paulo Freire’s critical pedagogy to promote analytical skills over rote learning.

***Madrasah Integration:*** Harmonize religious and mainstream education to ensure equal opportunities.

***Expand TVET Programs:*** Modernize curricula and improve industry linkages to enhance employability.

***Recognize Non-Formal Education:*** Introduce official accreditation systems for non-formal education pathways.

***Increase Public Funding:*** Allocate higher budgets to marginalized groups, TVET, and non-formal education sectors.

***Strengthen Higher Education:*** Promote research and innovation through increased funding and international collaborations.

This critical analysis highlights the systemic gaps in Bangladesh’s education framework and how they diverge from international legal obligations. These discrepancies underscore the need for structural reforms to ensure inclusive, equitable, and quality education for all.

## CONCLUSION

The document critically analyzes the persistent gap between Bangladesh’s international legal obligations—enshrined in instruments like the Universal Declaration of Human Rights and the Convention on the Rights of the Child—and the practical reality of its domestic education system. The core finding reveals a significant legal void due to the absence of a justiciable Right to Education Act, which hinders accountability and fails to enforce constitutional guarantees effectively. This lack of legal backing, coupled with deep-rooted socioeconomic and geographic disparities, perpetuates systemic inequalities in access and quality across the country, disproportionately impacting marginalized groups, including rural children, ethnic minorities, and those in vocational or non-formal education.

Central to the analysis is the application of Paulo Freire’s critical pedagogy. The research identifies a dominant “banking model” of education in Bangladesh, characterized by rigid, exam-oriented, and rote-learning instruction. This traditional pedagogy directly contradicts Freire’s emphasis on dialogic education and the development of critical consciousness (*conscientização*), thereby limiting students’ empowerment and ability to critically engage with social structures. Although education experts recognize the transformative potential of Freirean principles, their practical application remains minimal due to entrenched policy inertia and severe gaps in teacher training.

To address these multifaceted challenges, the study proposes a clear roadmap for reform. Key policy recommendations include the urgent enactment of a comprehensive Right to Education Act, the extension of compulsory education to Grade 8 to align with global benchmarks, and a fundamental curriculum reform to embed critical pedagogy across all levels. Furthermore, the report stresses the need for institutional parity by increasing funding, ensuring equitable accreditation for, and strengthening the integration of madrasah, vocational, and non-formal education pathways, thereby transforming education into a tool for social justice and empowerment.

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